

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**LARRY MARTIN and  
KARLA RICHARDSON**

**vs.**

**CIVIL ACTION:  
JURY REQUESTED**

**MANAGEMENT & TRAINING CORPORATION**

**PLAINTIFF'S ORIGINAL COMPLAINT**

**TO THE HONORABLE UNITED STATES DISTRICT JUDGE:**

**INTRODUCTION**

1. Plaintiffs, LARRY MARTIN and KARLA RICHARDSON files this action seeking recovery of unpaid wages and overtime wages for themselves, that are required to be paid under the Fair Labor Standards Act ("FLSA") 29 U.S .. C. § 201 *et seq.* Plaintiffs alleges that they did not receive their wages or overtime pay for all hours worked in excess of forty ( 40) hours per workweek. Specifically, Defendant failed to account for and pay Plaintiffs, for all time spent where they were engaged in activities that were integral and indispensable to the principal activities being performed by Plaintiffs by working through their lunch hour, off the clock time, and failure to pay for all time worked. Plaintiffs seeks unpaid regular and overtime wages, liquidated damages, attorney's fees, and litigation expenses/costs, including expert witness fees and expenses.

## **PARTIES**

2. The named Plaintiffs, Larry Martin and Karla Richardson were employees of the Defendant. The Plaintiffs brings this action to recover unpaid compensation due them.
3. The Defendant, MANAGEMENT & TRAINING CORPORATION, is a business corporation that has its principal place of business in Henderson, Rusk County, Texas. Defendant can be served by and through its Registered Agent, CT Corporation System, 350 N. St. Paul St., Ste. 2900, Dallas, Texas 75201-4234.

At all times relevant to this lawsuit, the Defendant has employed and continues to employ a substantial number of employees in non-exempt work. Defendant's business operation in Rusk County, Texas, is, at present, and was at all times relevant to this lawsuit, engaged in the performance of related activities through unified operation or common control for a common business purpose and is an enterprise within the meaning of 29 U.S.C. §213(s)(6).

## **JURISDICTION**

4. Jurisdiction is conferred upon this Court by 28 U.S.C. §1331, 29 U.S.C. §216(b) and 28 U.S.C. § 1337. This action arises under the Fair Labor Standards Act of 1938, 29 U.S.C. §201, et seq.

## **FACTS**

5. Defendant MANAGEMENT & TRAINING CORPORATION is an employer and enterprise as those terms are defined by the FLSA.
6. At all times relevant hereto, Defendant has been an enterprise engaged in commerce and/or in the production of goods for commerce, as those terms are defined by the FLSA.

7. At all times relevant hereto, Defendant has been an employer subject to the wage and hour provisions of the FLSA.

8. Defendant has repeatedly and willfully violated, and continues to willfully violate, Sections 6 and 7 of the FLSA by failing to pay Plaintiffs and other similarly situated employees, or former employees, for the hours worked by such employees, by failing to pay Plaintiffs for hours in excess of forty (40) hours per week at a rate not less than one and one-half times the regular hourly rate of pay at which such employees are compensated (“overtime”) 29 U.S.C. §206, 29 U.S.C. §207. Plaintiffs worked through their lunch hour, off the clock, and failure to pay for all time worked with the knowledge of Defendant, for which Plaintiffs were not paid wages. Due to the extremely heavy workload placed on Plaintiffs and others by the Defendant, plaintiffs were often required to work through their lunch hours, off the clock time, and overtime.

9. Plaintiffs were employed in positions which are not exempt from the requirement that they be compensated for their hours of work by the payment of straight time and overtime.

Defendant has repeatedly and consistently failed to pay Plaintiffs their overtime wages, which are an integral and indispensable to their principal activities in their continuous workday.

10 The payments are not proper and do include any pay for which Plaintiffs worked through their lunch hour, off the clock time, and overtime hours.

11. The evidence at trial will show that Plaintiffs and others were not paid for all hours worked.

12. Plaintiffs believe, and there, allege that the failure of Defendant to pay overtime to Plaintiffs for overtime pay was intentional.

### **REQUESTED RELIEF**

13. Plaintiffs have suffered and continues to suffer damages as a result of the Defendant's failure and refusal to pay proper compensation, as shown above, because of the Defendant's continued violations of the FLSA. Plaintiffs are entitled to judgment granting them damages in the amount of the difference between the partial wages actually received by the Plaintiffs and the full wages they are entitled to recover under the law, including all uncompensated overtime wages for hours worked for any activity that is integral and indispensable to the principal activities.

14. Plaintiffs, in addition for their claim for actual damages, seek injunctive relief from the Court to prevent future violations of the FLSA, as alleged herein.

### **JURY DEMAND**

15. Plaintiffs requests a jury trial.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that judgment be granted:

1. Ordering the Defendant to pay the Plaintiffs compensation due as a result of Defendant's violation of the FLSA;
2. Ordering Defendant to pay the Plaintiffs liquidated damages;
3. Granting injunctive relief by ordering Defendants to comply with the requirements of the FSLA.
4. Ordering Defendant to pay Plaintiffs costs of court in this action;
5. Ordering Defendant to pay Plaintiffs reasonable attorney fees and litigation expenses/costs, including expert fees and expenses; and

6. Providing such other and further relief as is just and necessary.

Respectfully submitted,

/S/  
Bob Whitehurst  
State Bar No. 21358100  
Bob Whitehurst  
5380 Old Bullard Road  
Suite 600, #363  
Tyler, Texas 75703  
(903)593-5588  
Attorney for Plaintiff